

CONCURRING OPINION

OF

COMMISSIONER JOAN D. AIKENS

AND

COMMISSIONER LEE ANN ELLIOTT

TO

ADVISORY OPINION 1984-28

We voted to approve AO 1984-28 because we agreed with the conclusion reached in the General Counsel's draft. We do not, however, agree with the rationale that leads to that conclusion.

Because the materials proposed by the requestor evince no apparent attempt to influence the re-election of President Reagan, payments for the proposed materials would not be in-kind contributions to or expenditures on behalf of his campaign. See Advisory Opinion 1982-56. The proposed statements make reference only to the "President's programs". They contain no mention of his candidacy, do not advocate his election or the defeat of his opponents, and contain no solicitation of funds to his campaign. However, payments for these campaign materials would be reportable expenditures by the campaign committee.

Since the payment for materials is neither a contribution to nor expenditure on behalf of another candidate, there is no need to reach the conclusion that they fall within the "coattail exception" to the definition of contribution and expenditure.

Joan D. Aikens

JOAN D. AIKENS
Commissioner

Lee Ann Elliott

LEE ANN ELLIOTT
Commissioner

8-3-84

Date